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10 **UNITED STATES DISTRICT COURT**  
11 **EASTERN DISTRICT OF CALIFORNIA**  
12 **FRESNO DIVISION**  
13

14  
15 BRADEN SCOTT MCDANIEL, ) Case No. 1:21-cv-00676-SKO  
Plaintiff, )  
16 v. ) **STIPULATION TO VOLUNTARY**  
KILOLO KIJAKAZI, ) **REMAND PURSUANT TO SENTENCE**  
17 Acting Commissioner of Social Security, ) **FOUR OF 42 U.S.C. § 405(g) AND TO**  
18 Defendant. ) **ENTRY OF JUDGMENT; ORDER**  
19 ) **(Doc. 21)**  
20 )

21 IT IS STIPULATED by and between Plaintiff (“Plaintiff”) and Defendant Kilolo  
22 Kijakazi, Acting Commissioner of Social Security (“Defendant”), through their undersigned  
23 counsel of record, that the above-entitled action shall be remanded to the Commissioner of  
24 Social Security for further administrative proceedings.

25 Upon remand, the Appeals Council will remand the case to an Administrative Law  
26 Judge (ALJ) for a new decision, and instruct the ALJ to re-evaluate the evidence of record. The  
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1 parties further request that the Court direct the Clerk of the Court to enter a final judgment in  
2 favor of Plaintiff, and against Defendant, reversing the final decision of the Commissioner.

3 This stipulation constitutes a remand under the fourth sentence of Section 205(g) of the  
4 Social Security Act, 42 U.S.C. 405(g).

5  
6 Dated: January 27, 2023

/s/ Jonathan Omar Pena\*

JONATHAN OMAR PENA

Attorney for Plaintiff

\*Authorized via e-mail on January 26, 2023

9 PHILLIP A. TALBERT

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10 MATHEW W. PILE

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Social Security Administration

12 By: /s/ Zachary Berkoff-Cane

13 ZACHARY BERKOFF-CANE

Special Assistant United States Attorney

14  
15 Attorneys for Defendant

16 **ORDER**

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18 Based upon the parties' foregoing Stipulation to Voluntary Remand Pursuant to  
19 Sentence Four of 42 U.S.C. § 405(g) and to Entry of Judgment, and for cause shown,

20 **IT IS ORDERED** that the above-captioned action is remanded to the Commissioner of  
21 Social Security for further proceedings pursuant to the fourth sentence of Section 205(g) of the  
22 Social Security Act, 42 U.S.C. 405(g).

23 **IT IS FURTHER ORDERED** that the Clerk of Court shall enter judgment for Plaintiff  
24 and close the case.

25  
26 IT IS SO ORDERED.

27 Dated: January 27, 2023

/s/ Sheila K. Oberto

UNITED STATES MAGISTRATE JUDGE